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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,528

06/30/2006

Jon Grant

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EXAMINER

TIETJEN, MARINA ANNETTE

ART UNIT

PAPER NUMBER

4177

MAIL DATE

DELIVERY MODE

05/13/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,528	<b>Applicant(s)</b> GRANT, JON	
	<b>Examiner</b> MARINA TIETJEN	<b>Art Unit</b> 4177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/23/06</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 4, 5, and 7 are objected to because of the following informalities:

Claim 4, "the stepped stem" lacks antecedent basis. Claim 4 is dependent on claim 3, which is dependent on claim 1, which neither claim a "stepped stem".

Claim 5, "the ON/OFF valve" and "the conduit" are lacking antecedent basis. Claim 5, is dependent on claim 1, which does not claim an "ON/OFF valve" or a "conduit".

Claim 7, reads "he the annular seating" when it should read "the annular seating". Also, "the spring" is lacking antecedent basis. Claim 7 is dependent on claim 1, which does not claim a "spring".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.
4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is meant by "*means* for moving the piston". Is it the same as "male member" in Claim 11? For the purpose of examination, it is assumed "means" in Claim 1 refers to "male member" in Claim 11.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 6, and 8-12 are rejected under 35 U.S.C. 102(b) as anticipated by De Visscher (US Patent No. 3,777,771) or, in the alternative, under 35 U.S.C. 103(a) as obvious over De Visscher (US Patent No. 3,777,771) in view of Forsman et al. (US Patent No. 6,497,348).

Regarding Claims 1, De Visscher discloses a valve 2 (Fig. 1) capable of selectively providing access to a supply of drinking fluid within a portable flexible container comprising a tubular body 62 (Fig. 1) having at one end a stem 3 (pipe, Fig. 1), capable of being inserted into an opening in communication with a container, and at its other end an outlet (Fig. 1) through which fluid from the container can leave the valve 2, a piston 72 (Fig. 1) mounted for sliding movement within a central bore of the body 62 (Fig. 1) and resilient means 82 (Fig. 1) for urging the piston 72 into engagement with an annular seating (see Fig. A below) positioned at the bore end closest to the outlet, and

means 1 (Fig. 1) for moving the piston 72 against the action of the resilient means 82 to enable fluid to be drawn from a container past the piston 72 and through the outlet.

Alternatively, De Visscher does not explicitly disclose the valve provides access to a supply of drinking fluid retained within a portable flexible container.

However, Forsman et al. teaches it is typical for valves or mouthpieces to be attached to a bag-like (flexible) fluid reservoir in personal hydration systems in order to supply drinking fluid to users while engaged in sporting or recreational activities (col. 1, lines 23-30).

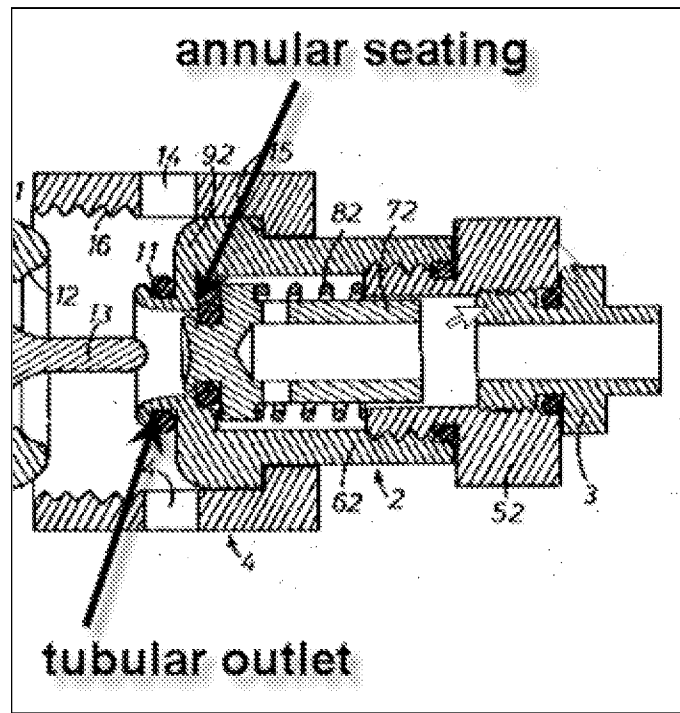
Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify De Visscher's valve to be attached to a portable flexible container, as taught and suggested by Forsman et al., for the purpose of supplying drinking fluid to users while engaged in sporting or recreational activities.

Regarding Claim 6, De Visscher discloses the resilient means comprises a coil spring 82 (Fig. 1) positioned between an annular retainer 52 (Fig. 1), located within the central bore of the body 62 (Fig. 1), and the opposed end of the piston 72 (Fig. 1).

Regarding Claim 8, De Visscher discloses the piston 72 includes one or more internal open-ended passageways 23 (Fig. 2) through which water drawn into the valve can pass to the outlet when the piston 72 is moved away from its seating.

Regarding Claim 9, De Visscher discloses the outlet is formed in a tubular end piece (shown in Figure A below) of the body 62.

**Figure A**



Regarding Claim 10, De Visscher discloses the end of the piston 72 remote from the stem 3 is positioned below the outlet (Fig. 1).

Regarding Claim 11, De Visscher discloses the piston 72 is movable from its position in sealing engagement with the annular seating by a male member 1 (Fig. 3) that is capable of being carried by a conduit through which drinking fluid can be drawn from a container.

Regarding Claim 12, De Visscher discloses the male member 1 (Fig. 3) comprises a tubular casing 61 (Fig. 3) in which is mounted a central rod 13 (Fig. 3) spaced from the internal wall of the casing by an annular seal (Fig. 3) displaceable through contact with the piston end.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Visscher (US Patent No. 3,777,771) in view of Forsman et al. (US Patent No. 6,497,348).

Regarding Claim 2, De Visscher discloses the invention as essentially claimed except for the stem is formed with two or more annular serrations or steps to assist retention within the opening in communication with the container.

Forsman et al. teaches of making a stem to include two or more annular serrations or steps to assist retention within an opening in a tubular member in communication with a container for the purpose of making the stem modular or releasably attached (versus permanently attached, such as with adhesive or weld) and therefore removable for cleaning, replacement, upgrades, etc. (col. 5, lines 24-31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify De Visscher's stem to include steps or serrations, as suggested and taught by Forsman et al., for the purpose of making the stem releasably attached and therefore removable for cleaning, replacement, upgrades, as needed.

Regarding Claims 3 and 4, De Visscher discloses the invention as essentially claimed except for the container is connected to the valve through a flexible conduit one end of which defines the opening in communication with the container, and wherein the stepped stem is inserted into that end of the conduit remote from the container.

Forsman et al. teaches it is typical for personal hydration systems to have a long flexible conduit that is connected to the flexible container on one end, and have a valve (or mouthpiece) stem attached to the other end for the purpose of enabling the user to draw water from the container at will (col. 1, lines 29-33).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify De Visscher's invention to have the valve stem be inserted into a long flexible conduit which is connected to a flexible container, as taught and suggested by Forsman et al., for the purpose of enabling a user to draw water from a container at will.

Regarding Claim 5, De Visscher discloses the invention as essentially claimed except for an ON/OFF valve which is positioned within or adjoining one end of the conduit selectively to control the flow of drinking fluid from the container to the valve.

Forsman et al. teaches of including an ON/OFF valve that is positioned within or adjoining one end of the conduit (col. 4, lines 19-23) for the purpose of selectively restricting the flow of fluid to the valve (or mouthpiece) of the hydration system, thereby preventing unintentional dispensing of fluid contained within the hydration system's fluid reservoir (col. 2, lines 2-7).



Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify De Visscher's invention to include an ON/OFF valve that is positioned within or adjoining one end of a conduit, as suggested and taught by Forsman et al., for the purpose of selectively restricting the flow of fluid to the valve (or mouthpiece) of the hydration system, thereby preventing unintentional dispensing of fluid contained within the hydration system's fluid reservoir.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Visscher (US Patent No. 3,777,771) in view of Shopsy (US Patent No. 3,764,102).

Regarding Claim 7, De Visscher discloses the invention as essentially claimed except for the annular seating is tapered inwardly towards the outlet of the valve with the piston end closest to the outlet being similarly tapered to provide an effective seal as the piston is urged by the spring into contact with the seating.

Shopsy teaches the annular seating 21 (Fig. 2) is tapered inwardly towards the outlet 17 (Fig. 2) of the valve with the piston 24 (Fig. 2) end closest to the outlet 17 being similarly tapered to provide an effective seal as the piston is urged by the spring 41 (Fig. 2) into contact with the seating 21 for the purpose of being disposed in sliding, rotation and sealing relation therewith in a manner well known in the art (col. 2, lines 67-68 to col. 3, lines 1-6).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify De Visscher's valve such that the annular seating being tapered inwardly towards the outlet of the valve with the piston end closest to the outlet being similarly tapered to provide an effective seal as the piston is

urged by the spring into contact with the seating, as suggested and taught by Shopsky, for the purpose of providing a suitable seating that can be disposed in sliding, rotation and sealing relation during use.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Choi et al (US Patent 6,908,015), Eger (US Patent 4,629,098), Wheaton (US Publication 2006/0054643), and Kiehne (US Publication 2002/0117645) include elements claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARINA TIETJEN whose telephone number is (571) 270-5422. The examiner can normally be reached on Mon-Thurs, 8:00AM-4:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quang D. Thanh can be reached on (571) 272-4982. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. T./  
Examiner, Art Unit 4177

/Quang D. Thanh/  
Supervisory Patent Examiner,  
Art Unit 4177